

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 31, 2007

DIVISION ONE

B191613 Sabine M. (Certified for Publication)
v.
Toshio M.

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Jackson, J. (Assigned)

B193476 People (Not for Publication)
v.
Hector Armando Alvarado

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Jackson, J. (Assigned)

July 31, 2007 (Continued)

DIVISION ONE (continued)

B189282 Wright (Not for Publication)

V.

Wright

The judgment is affirmed. Respondent Walbridge Wright is entitled to costs on appeal.

Mallano, Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

B193906 Los Angeles County, D.C.S. (Not for Publication)

V.

Princess M.

The order terminating appellant's parental rights as to Damon O. and the order denying appellant's section 388 petition are affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B190222 People (Not for Publication)

V.

Gonzalez

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (continued)

B197003 Los Angeles County, D.C.S. (Not for Publication)
v.
Rosa P.

The order is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

B191219 People (Not for Publication)
v.
Michael Anthony Alejo

The gang enhancement is reversed. The judgment is modified by striking the four-year enhancement imposed under section 186.22, subdivision (b)(1)(A). As so modified, the clerk of the court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (continued)

B191350 Martin Cadillac Company, Inc. (Not for Publication)
v.
Pierson et al.

The judgment is affirmed. The Pierson defendants are awarded their costs on appeal, including attorneys' fees in an amount to be determined by the trial court on remand.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

B187031 Los Angeles County, D.C.S. (Not for Publication)
v.
Lauchengco, Jr.

Paragraph 5.a. of the TRO and paragraph 5.a. of the permanent restraining order are modified to strike all reference to sexual abuse and to Shelby. As modified, paragraph 5.a. of the TRO and the restraining order shall provide that appellant "must not harass, attack, strike, threaten, assault, hit, follow, stalk, molest, destroy personal property of, disturb the peace of, keep under surveillance, or block movements of Tracee." As modified, the orders are affirmed. The matter is remanded with directions to the trial court to correct the orders to conform to this modification.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
Vogel (Miriam A.), J.

July 31, 2007 (Continued)

DIVISION TWO

B194373 Perryman et al. (Certified for Publication)

v.

County of Los Angeles

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B192887 People (Not for Publication)

v.

Eduardo D.

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B191829 People (Not for Publication)

v.

Smith

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

July 31, 2007 (Continued)

DIVISION THREE

B194275 People (Not for Publication)

V.

John Ramon Ramirez

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B190839 Steiner (Not for Publication)

V.

CBS Broadcasting, Inc.

The summary judgment is affirmed. Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B196429 Los Angeles County, D.C.S. (Not for Publication)

V.

Tammy I.

The order denying Mother's section 388 petition and the order terminating her parental rights are affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

July 31, 2007 (Continued)

DIVISION FOUR

B190423 Cohn (Not for Publication)
v.
Truebeginings, LLC et al.

The order of dismissal is reversed and the cause is remanded for further proceedings consistent with the views expressed in this opinion. Appellant is to have his costs on appeal.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

B188525 Fiduccia (Not for Publication)
v.
Princess Cruise Lines, LTD et al.

The judgments of dismissal in favor of Princess and Cruise Solutions are affirmed. Respondents shall have their costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FIVE

B194885 In re Zamer G., et al.
 Los Angeles County, D.C.S.
 v.
 Shareeta B.
 Children's Law Center

The opinion filed July 10, 2007 is hereby vacated.

DIVISION FIVE (continued)

B194885 In re Zamer G., et al. (Certified for Partial Publication)
Los Angeles County, D.C.S.
v.
Shareeta B.
Children's Law Center

The juvenile court's order disqualifying CLC unit 1 is affirmed. The order disqualifying CLC Unit 2 is reversed.

Mosk, J.

I concur: Armstrong, J.
I concur & dissent: Turner, P.J. (Opinion)

B193252 Julie C. Anderson et al. (Not for Publication)
v.
Paul R. Noble

The June9, 2006 removal order is affirmed. Julie C. and Christine Anderson are to recover their costs incurred on appeal from Paul R. Noble.

Turner P.J.

We concur: Armstrong, J.
Mosk, J.

B192187 Lyle R. Mink (Not for Publication)
v.
Dan S. Maccabee

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION SEVEN

B196443 Los Angeles County, D.C.S. (Not for Publication)
v.
Shawn L.

B199653 In re Shawn L. on Habeas Corpus

In the habeas petition, all orders by the juvenile court issued on or after August 7, 2006 are vacated. We issue an OSC returnable before the juvenile court at which the court shall appoint new counsel to represent Shawn and conduct a hearing to determine if Shawn's former trial counsel inadequately represented him after her August 7, 2006 appointment, and, if so, whether he was prejudiced thereby. The court also shall provide proper notice under the ICWA. If the court determines Shawn's former counsel provided prejudicially ineffective representation or should proper notice result in a tribe identifying Anthony as a member, the court shall reinstitute appropriate proceedings. If the court finds counsel was not prejudicially ineffective and no tribe identifies Anthony as a member, the court shall reinstate the December 5, 2006 order terminating Shawn's parental rights and freeing Anthony for adoption. The appeal is dismissed as moot.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

B192374 People (Not for Publication)
v.
Mejia

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION SEVEN (continued)

B186764 Venegas et al., (Certified for Publication)
 v.
 Co. of Los Angeles et al.

The judgment is reversed and the cause is remanded to the trial court with directions to vacate its order granting summary judgment as to the remaining causes of action in this case and to issue a new order (1) granting the motion of the City of Vernon, and the Vernon Police Department and Detective Wiles for summary adjudication as to plaintiff's cause of action under Civil Code section 52.1 for violation of their constitutional rights and as to their cause of action for battery and denying the motion as to plaintiffs' cause of action for negligence; (2) granting the motion of the County of Los Angeles and Deputy Harris for summary adjudication as to plaintiffs' cause of action for battery and denying the motion as to plaintiffs' cause of action under Civil Code section 52.1 for violation of their constitutional rights and as to their cause of action for negligence. The parties shall bear their own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

B194775 Thomson et al., (Not for Publication)
 v.
 Beuchel

The judgment is reversed, and the cause is remanded for further proceedings not inconsistent with this opinion. The Thomsons are to recover their costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

July 31, 2007 (Continued)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B192787 People v. Sklavos
B193905 DCFS v. Frank W.
B193392 Mrakich v. Dept. Of Motor Vehicles
B186805 People v. Kariger
B189839 People v. Barrientos
B191640 People v. Newman
B191303 Segal v. Silberstein et al.
B191189 People v. Frandsen
B192341 Matson et al. v. Hall et al.
B194669 DCFS v. Jaime G.
B195096 People v. Cobos

Argument waived, cause submitted.

B193921 People
 v.
 Meyers

Merits:

Argued by Lynette Moore for appellant and by Herbert S. Tetef, Deputy Attorney General for respondent. Cause submitted.

B193833 People
 v.
 Hernandez

Merits:

Argued by Lynette Moore for appellant and by Robert Schneider, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (continued)

B188153 Shaw
 v.
 Saladino

Merits:

Argued by Caryn Shaw, appellant, appearing in propria persona and by David Skjeie, Deputy County Counsel for respondent. Cause submitted.

B192935 M.A. Butters & Associates
 v.
 City of Lancaster

Merits:

Argued by Glen Nichols for appellant and respondent and by Douglas Evertz for respondent and appellant. Cause submitted.

Rubin, J. left the bench.

B189961 Doty et al.,
 v.
 Meruelo Enterprises, Inc. et al.,

Merits:

Argued by Sidney Lainer for plaintiffs and appellants and by Dirk Vincent for defendants and appellants. Cause submitted.

B193863 Kuist et al.,
 v.
 Hodge et al.,

Merits:

Argued by Steven Madison for appellants; by Richard Burbidge for respondent Gross and by Hillel Chodos for respondent Kuist. Cause submitted.

DIVISION EIGHT (continued)

B195663 Kuist
 v.
 Bedrosian

Appearances:
Hillel Chodos for appellant and by Don Mike Anthony for respondent.
Argument waived, cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B192058 Straus
 v.
 2004 Stradella LLC et al.,

Merits:
Argued by Vincent Herron for appellant. No appearance by counsel for respondent. Cause submitted.

B190880 People
 v.
 Brown

Merits:
Argued by Russell Babcock for appellant and argument previously waived by respondent. Cause submitted.

B188521 L.E.C.H., Inc.,
 v.
 Klein et al.,

Merits:
Argued by Dylan Bradley Carp for defendants and appellants. David J. Libo appearing for plaintiff and respondent waives argument. Cause submitted.

DIVISION EIGHT (continued)

Flier, J. left the bench.

B187301 Barbee
 v.
 Los Angeles Unified School District

Merits:
Argued by Martha A. Torgow for appellant and by Stephanie Bowick for
respondent. Cause submitted.

Flier, J. returned to the bench.

Cooper, P.J. left the bench.

B191334 Bourgoyne
 v.
 Vo et al.,

Merits:
Argued by Leonard Janner for appellant and by Karen Bray for
respondents. Cause submitted.

B189898 McCann et al.,
 v.
 Wheeler

Oral argument continued to August 29, 2007, at 9:00 a.m.

Each of the Following:

B190634 Brawer v. Brawer et al.,
B183165 Michel et al., v. Larry Moore & Associates

Oral argument continued to August 28, 2007, at 9:00 a.m.

DIVISION EIGHT (continued)

B192517 People
v.
Gomez

Argument waived submission deferred.

Court adjourned.

B190194
People (Not For Publication)
v.
Yoakum

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B182910 People (Not for Publication)
v.
Brumfield

The judgment is reversed insofar as it imposes a parole revocation fine and a direct restitution order. That restitution order shall be subject to reconsideration in the trial court. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.